

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/441,385

Applicant : Jeff S. Eder

Filed : May 20, 2003

Art Unit :: 3692

Examiner : Clement Graham

Docket No. : AR - 53

Customer No. : 53787

DECLARATION UNDER RULE 132

I, Gregory M. Cusanza, do hereby declare and say:

My home address is 8604 233rd Place NE, Redmond, WA 98053; I have a B.S. degree in computer science from Cal Poly San Luis Obispo;

I have worked in the data processing field for 15 years, concentrating in the disciplines of data storage, data conversion and enterprise processing. I also have extensive knowledge of computer system administration, particularly for Windows-based, Linux, and Unix systems; I have been employed by a corporation that was recently purchased by EMC for 12 years and for Knacta for 1.5 years.

I further declare that I do not have any direct affiliation with the application owner, Asset Reliance, Inc. I met the inventor for the first time in April 2004. I joined Knacta, Inc., a company run by the inventor in April of 2006. I own a 5% share in Knacta, Inc. I have

never discussed the Lyons patent the instant application or any other patent application where Lyons is the basis for claim rejection with the inventor or anyone else. Knacta, Inc. has a license to the intellectual property associated with this application.

On August 30, 2007 I was given a copy of U.S. Patent 4,989,141 for a COMPUTER SYSTEM FOR FINANCIAL ANALYSES AND REPORTING issued by the United States Patent Office on January 29, 1991. Until that time I had not read the patent. I have studied the entire specification and drawings. I am completely familiar with the language of the claims and conversant with the scope thereof. I understand the invention as claimed.

Based on my experience and training in the field of data storage, data conversion and electronic data processing, I have concluded that the Lyons invention does/does not inherently describe or enable:

1) automated completion of multiple stages of processing with data storage between each stage.

The production phase of this application's operation is composed of multiple stages of processing but each stage requires user action and is therefore not automatic. The user is required to make choices as to which steps to perform next through the provided menu.

The only one of the user's options that performs multiple stages of processing is the system's BATCH command, however it only stores data in the form of a report at the end. The steps are fixed so there is no way to enable the storage of data in between each stage.

2) conversion and storage of data in a central database in accordance with xml schema or metadata standard.

No reference of XML anywhere in the patent and no standards are referenced which have been recognized by a known standards body or organization. In addition the format of the data in the database is a fixed format primarily based on the SEPT value and therefore not configurable by the user to adapt to other systems.

3) two or more independent components of software to process data integrated in accordance with a common metadata standard

The Lyons invention describes a single application which can be run on multiple machines that must be connected to a central database. They are not able to run without the database being present so they are not independent in that respect. In addition the format of the data that is exchanged between the application and database is not described, therefore it can not be assumed that it follows a common metadata standard.

When communicating with external systems, the format of the data that is exchanged is not defined even when provided in a worksheet. In order to accommodate the varying input formats it is necessary to manually define an "input template". This template is used to convert the data from the external system into a format that the invention's database understands. If a common metadata standard were used then this input template would not be necessary. The template is in the form of a worksheet so it is not possible to adapt it to a metadata standard. This is true whether the data is obtained from the external system using the X-RUN command via the POP-UP and LINK commands or through the INPUT command.

This patent does not describe a public interface that would enable external systems to exchange data with this system. Because of this, the system as defined would have to adapt to each external system in a way that is unique to each system and not common among components.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Signed,

A handwritten signature in black ink, appearing to read "Gregory M. Cusanza".

Gregory M. Cusanza

Date: 11/13/2007